



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2150

DATE SCANNED

6/13/11

SCANNER NO.

2

SCAN OPERATOR

EEJ

11092653528



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 13, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER  
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC*  
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION

BY: *NMC* NATALIYA IOFFE/RHIANNON MAGRUDER *DM*  
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 12 DAY  
PRE-PRIMARY REPORT (IOWA AND SOUTH CAROLINA) FOR  
THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to timely file the 2010 12 Day Pre-Primary Report for the Iowa and South Carolina Primary Elections in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on May 27, 2010, and the Primary Elections were held on June 8, 2010.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Attachment 1

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7/13/2010 2:05 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2010 PRE-PRIMARY Election Sensitive 05/27/2010 AUTH (1A, SC)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2150	C00470963	BURTON FOR CONGRESS	BURTON, ROBERT	ROBERT CLAUHS	\$212,368	0	6/6/2010	Not Filed	\$99,955	\$4,400
2151	C00473959	MATT CAMPBELL FOR CONGRESS	CAMPBELL, MATTHEW	MATTHEW CAMPBELL	\$137,412	0	6/3/2010	7	\$49,016	\$505

Attachment 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2010 )  
12 Day Pre-Primary Report (Iowa and )  
South Carolina) for the Administrative Fine )  
Program: )  
MATT CAMPBELL FOR CONGRESS, ) AF# 2151  
and MATTHEW CAMPBELL as treasurer; )  
BURTON FOR CONGRESS, and ) AF# 2150  
ROBERT CLAUHS as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 12 Day Pre-Primary Report (Iowa and South Carolina) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated July 13, 2010, on the following committees:

AF#2151 Decided by a vote of 6-0 to: (1) find reason to believe that MATT CAMPBELL FOR CONGRESS, and MATTHEW CAMPBELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2150 Decided by a vote of 6-0 to: (1) find reason to believe that BURTON FOR CONGRESS, and ROBERT CLAUHS as treasurer violated 2 U.S.C. 434(a) and make a

Federal Election Commission  
Certification for Administrative Fines  
July 15, 2010

Page 2

preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 15, 2010  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 16, 2010

Robert Clauhs, in official capacity as Treasurer  
Burton for Congress  
1440 Ben Sawyer Blvd., Suite 1101 #211  
Mt. Pleasant, SC 29464

C00470963  
AF#: 2150

Dear Mr. Clauhs:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period through May 19, 2010, shall be filed no later than May 27, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the election, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On July 15, 2010, the FEC found that there is reason to believe ("RTB") that Burton for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before May 27, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,400. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$4,400 is due within forty (40) days of the finding, or by August 24, 2010, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$99,955  
Number of Days Late: Not Filed (for the purpose of calculating the penalty only)  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or August 24, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Burton for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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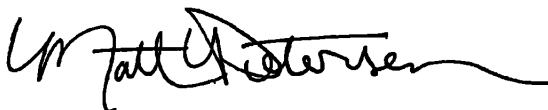
**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Matt Petersen", with a long horizontal flourish extending to the right.

Matthew S. Petersen  
Chairman

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$4,400 for the 2010 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by August 24, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Burton for Congress

FEC ID#: C00470963

AF#: 2150

PAYMENT DUE DATE: August 24, 2010

PAYMENT AMOUNT DUE: \$4,400

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**FEC OFFICE OF  
ADMIN REVIEW**

**2010 AUG 24 A 8 33**

Robert Burton  
Burton for Congress

Mount Pleasant, South Carolina 29464

August 18, 2010

Matthew S. Peterson  
Chairman  
Federal Election Commission  
Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

Dear Mr. Peterson:

Thank you very much for the opportunity to correspond with you and discuss the Federal Election Commission's imposition of a fine on my campaign in the amount of \$4,400.

I would like to challenge the Commission's findings based on: (3) "your demonstrated use of best efforts to file in a timely fashion when doing so by reasonably unforeseen circumstances that were beyond your control."

For background, please understand that my campaign was a very small-time affair. I recently retired from the Air Force.

My neighbors convinced me to run and one of them, Bobby Claus, volunteered to be the campaign treasure, he and I both having absolutely no experience in filing reports with the FEC.

Bobby diligently learned as much as he could about the management of the contributions and expenditures and used all his best efforts to report them in a timely manner.

Occasionally, he'd have to call me or email to clarify the information about a contributor or expenditure.

Also, occasionally we'd get a contribution from a source that would require us to call or email them repeatedly to get all the correct information from them in order to be in compliance with the FEC regulations.

I received a contribution from a local union official, but the contributor did not tell me if it came from the local, or from the national union. When this was brought to my attention, I immediately used my best efforts to contact the contributor so that we could send the FEC the CORRECT information in a timely manner. I called on three occasions, emailed three times as well, and finally drove to the local before being told by the local union president that the contribution was from their national office.

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I used my best efforts to comply with the timeliness requirements, but was stuck with the decision to report incorrect and unconfirmed data on time, or transmit the correct and truthful information two days later.

Apparently, I made the wrong decision.

I am very sorry for two day delay and ask for the Commission's forbearance.

In considering this appeal, please take into the consideration the fine amount, and the length of time I was late, \$4,400 for two days.

Also please understand that I am not a wealthy man. A fine this large will make it difficult to make my mortgage payment.

I am just a man trying to do the right thing and continue to serve his country.

Finally, I lost the primary. I have no chance of ever recouping the money I loaned the campaign and I don't think I'll ever be involved in politics again.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Robert D. Burton". The signature is fluid and cursive, with the first name "Robert" being the most prominent.

Robert D. Burton  
Formerly a Candidate for Congress

11092653538



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

August 24, 2010

Robert Clauhs, in his official capacity as Treasurer  
Burton for Congress  
1440 Ben Sawyer Boulevard  
Suite 1101, #211  
Mount Pleasant, SC 29464

C00470963  
AF# 2150

Dear Mr. Clauhs:

On August 24, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown". The signature is fluid and cursive.

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

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REC OFFICE OF  
ADMIN REVIEW

2010 AUG 25 A 9 38

Date: August 25, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

AF#: 2150

Committee Name: Burton for Congress

Committee ID#: C00470963

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

**Attachments:**

Copy of RTB Circulation Report, dated July 13, 2010 and RTB Certification,  
dated July 15, 2010 (Y/N): Y

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 12 Day Pre-Primary Report Prior Notice, dated May 3, 2010.

- Non-Filer Letter, dated May 28, 2010

-RTB Letter, dated July 16, 2010.

Attachment #: 4

Other RAD Information: (Y/N): N

Attachment#: N/A

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FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

July 22, 2010

Dear Customer:

The following is the proof-of-delivery for tracking number **402983362300**.

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**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	K.BROWN	<b>Delivery location:</b>	MT PLEASANT, SC
<b>Service type:</b>	Priority Envelope	<b>Delivery date:</b>	Jul 19, 2010 09:11

**NO SIGNATURE IS AVAILABLE**

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

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**Shipping Information:**

<b>Tracking number:</b>	402983362300	<b>Ship date:</b>	Jul 16, 2010
		<b>Weight:</b>	0.5 lbs/0.2 kg

**Recipient:**  
MT PLEASANT, SC US

**Shipper:**  
WASHINGTON, DC US

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service  
1.800.GoFedEx 1.800.463.3339


11092653541

## DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Burton for Congress:
  - A) Prior Notice, dated May 3, 2010, referencing the 2010 12 Day Pre-Primary Report (sent via electronic mail to:  
ROBERTBURTONFORCONGRESS@yahoo.com);
  - B) Non-Filer Letter, dated May 28, 2010, referencing the 2010 12 Day Pre-Primary Report;
  - C) Reason-to-Believe Letter, dated July 16, 2010, referencing the 2010 12 Day Pre-Primary Report.

I hereby certify that I have searched the Commission's public records and find that Burton for Congress filed the 2010 12 Day Pre-Primary Report Report with the Commission on June 6, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 25<sup>th</sup> day of August, 2010.

  
Nataliya Ioffe  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission

11092653542



# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

SOUTH CAROLINA

May 3, 2010

## POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (06/08/10):

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & DISCLOSURE DEADLINE	FILING DEADLINE
Pre-Primary	04/01/10 - 05/19/10	05/24/10	05/27/10
48-Hour Notices	05/20/10 - 06/05/10	-- SC primary candidates only -- see filing info --	
July Quarterly	05/20/10 - 06/30/10	07/15/10	07/15/10

## FOR POLITICAL COMMITTEES INVOLVED IN BOTH THE PRIMARY (06/08/10) AND RUNOFF (06/22/10), IF HELD:

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & DISCLOSURE DEADLINE	FILING DEADLINE
Pre-Primary	04/01/10 - 05/19/10	05/24/10	05/27/10
48-Hour Notices	05/20/10 - 06/05/10	-- SC primary candidates only -- see filing info --	
Pre-Runoff	05/20/10 - 06/02/10	06/10/10 <sup>2</sup>	06/10/10
48-Hour Notices	06/03/10 - 06/19/10	-- SC runoff candidates only -- see filing info --	
July Quarterly	06/03/10 - 06/30/10	07/15/10	07/15/10

## WHO MUST FILE

The following committees must file the South Carolina Pre-Primary/Runoff Report(s):

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2010 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

[Additional information for South Carolina Campaign Committees -- click here](#)

<sup>1</sup> These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> The mailing deadline is the same as the filing deadline because the computed mailing deadline would fall one day before the primary is held.



## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

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<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

## PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The Record: January 2010 issue [PDF]
- Candidate Guide, pp. 79-80 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

## 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

### DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 GER 110.17(e).

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]; Notice 2010-02 (2/24/10) [PDF].

### SUPPLEMENTAL FILING INFORMATION SOUTH CAROLINA CAMPAIGN COMMITTEES ONLY

#### 48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of:

Primary: 05/20/10 - 06/05/10  
Runoff: 06/03/10 - 06/19/10

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate, p. 80 [PDF].

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

## 2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

### 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (2/17/09) [PDF]; Notice 2010-02 (2/24/10) [PDF].
- Campaign Guide: Party, pp. 143-149 [PDF]

## CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 28, 2010

RQ-7

ROBERT CLAUHS, TREASURER  
BURTON FOR CONGRESS  
1440 INH SAWYER BLVD BZE 1101 #211  
MT PLEASANT, SC 29466

IDENTIFICATION NUMBER: C00470963

REFERENCE: PRE-PRIMARY REPORT 4/1/2010 - 5/19/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 251 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. IF YOU HAVE FILED THE REPORT TIMELY BY EXPRESS, CERTIFIED OR REGISTERED MAIL, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITSEN IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (866)424-9530. OUR LOCAL NUMBER IS (202)691-1130.

SINCERELY,

*Debbie Chacona*

DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

1003034125092653549



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2010 DEC -9 P 3:50

**SENSITIVE**

December 9, 2010

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Acting Staff Director *AP*

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2150 – Burton for Congress  
and Robert Clauhs, in his official capacity as Treasurer (C00407963)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092653550



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 9, 2010

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2150 – Burton for Congress and Robert Clauhs, in his official capacity as Treasurer  
(C00470963)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$4,400 civil money penalty.

**Reason-to-Believe Background**

On July 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 12 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$4,400, based on the schedule of penalties at 11 C.F.R. § 111.43. The Reports Analysis Division ("RAD") notified the respondents of the Commission's RTB finding and civil money penalty on July 16, 2010.

**Legal Requirements**

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

The Commission received the written response ("challenge") from the Candidate, citing their best efforts to file timely given reasonably unforeseen circumstances beyond their control. The respondents received a contribution from a local union official who did not specify whether the contribution was from the local union or the national union. After placing several calls and emails to clarify the contributor, the Candidate drove to the local union office where he received confirmation that the contribution was from the national union. The respondents used their best efforts to send the Commission the correct information in a timely manner and apologize for the two-day delay in filing. The Treasurer and Candidate, who lost the primary election, have no experience filing reports with the FEC and request the Commission's forbearance.

**Analysis**

The 2010 South Carolina 12 Day Pre-Primary Report was due on May 27. The respondents filed this report on June 6, 10 days late rather than two days late as is contended in the challenge. Additionally, although the respondents do not specify the exact contribution for

11092653551



which they sought clarification of the contributor, during the report's coverage period they disclosed just three contributions that were not from individuals. Of these, one contribution was received on April 13 and two were received on May 19. Depending upon the receipt date of the contribution they sought to clarify, the respondents had either 30 or 8 days from its receipt to the May 27 due date to clarify whether the contribution was from the local or national union. The regulations are clear that the Treasurer shall be personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

While the respondents request that the Commission take into consideration the fine amount as compared to the number of days late, the regulations provide a formula by which to calculate the civil money penalty. These are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of the report, the level of activity on the report, the number of days late, and the number of prior violations. The respondents have no prior violations. The 12 Day Pre-Primary Report is an election sensitive report and is considered not filed for purposes of the civil money penalty calculation because it was not filed prior to four days before the June 8 primary election. 11 C.F.R. § 111.43(e)(2). The report discloses \$24,874 in receipts and \$75,081.26 in disbursements, resulting in a level of activity of \$99,955.26. Using the schedule of penalties at 11 C.F.R. § 111.43(b) and the level of activity bracket of \$75,000 - \$99,999.99, the civil money penalty is  $\$4,400 \times [1 + (.25 \times 0)]$  or \$4,400, as was calculated at RTB.

The other issues raised in the challenge (the Candidate's primary election loss; lack of wealth; and inability to recoup funds loaned to the campaign) do not fall within the list of valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,440.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2150 involving Burton for Congress and Robert Clauhs, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2150 that Burton for Congress and Robert Clauhs, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

#### **Attachments**

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR

**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 12 Day Pre-Primary Report is due May 27, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on May 27, 2010 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page, Pages 3 and 4 of the Detailed Summary Page, and 6 pages of Schedule A for the 2010 12 Day Pre-Primary Report electronically filed by Burton for Congress and Robert Clauhs, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from April 1 through May 19, 2010, and was received on June 6, 2010. Line 16, Column A lists \$24,874 in total receipts for this period. Line 22, Column A lists \$75,081.26 in total disbursements for this period. Schedule A lists the receipt of three contributions not from individuals, one received on April 13 and two received on May 19.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 9<sup>th</sup> of December, 2010.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092653553

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Burton For Congress

ADDRESS (number and street)

1440 Ben Sawyer Blvd Ste 1101 #211

Check if different  
than previously  
reported. (ACC)

Mount Pleasant

SC

29464

2. FEC IDENTIFICATION NUMBER

C00470963

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS  
REPORT

X

NEW  
(N)

OR

AMENDED  
(A)

SC

01

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

X

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

11

02

2010

in the  
State of

SC

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the  
State of

5. Covering Period

04

01

2010

through

05

19

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Robert Lee Clauhs

Signature of Treasurer

Electronically Filed by Robert Lee Clauhs

Date

06

06

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)

**DETAILED SUMMARY PAGE**  
of Receipts

FEC Form 3 (Revised 12/2003)

3 / 38

Write or Type Committee Name  
Burton For CongressReport Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y  
0 4 0 1 2 0 1 0 0 5 1 9 2 0 1 0

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	8800.00	16050.00
(ii) Unitemized.....	1574.00	4666.00
(iii) TOTAL of contributions		
from individuals..... ▶	10374.00	20716.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACS).....	4500.00	12000.00
(d) The Candidate.....	0.00	0.00
(e) TOTAL CONTRIBUTIONS		
(other than loans)		
(add Lines 11(a)(iii), (b), (c), and (d))	14874.00	32716.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
13. LOANS		
(a) Made or Guaranteed by the Candidate.....	10000.00	76000.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	10000.00	76000.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶	24874.00	108716.00

# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 38

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	49081.26	77651.81
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	1000.00	1000.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	25000.00	25000.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	25000.00	25000.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	0.00	0.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ➤	75081.26	103651.81

## **III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	55271.45
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....	24874.00
25. SUBTOTAL (add Line 23 and Line 24).....	80145.45
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	75081.26
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	5064.19

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**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 5 / 38

(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
<input type="checkbox"/> 15			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)  
Burton For Congress

A.

Full Name (Last, First, Middle Initial)  
melinda ballard

Mailing Address 15 orange st

City	State	Zip Code
charleston	SC	29401

FEC ID number of contributing  
federal political committee. C

Name of Employer Occupation

Receipt For:	2010
X Primary	General
Other (specify) ▼	

Election Cycle-to-Date ▼
500.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
0	5		1	3		2	0	1	0

Transaction ID: SA11AI.4356

Amount of Each Receipt this Period

500.00

donation

B.

Full Name (Last, First, Middle Initial)  
andrew brack

Mailing Address 316 mcclain str.

City	State	Zip Code
charleston	SC	29407

FEC ID number of contributing  
federal political committee. CName of Employer Occupation  
self

Receipt For:	2010
X Primary	General
Other (specify) ▼	

Election Cycle-to-Date ▼
250.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
0	5		1	9		2	0	1	0

Transaction ID: SA11AI.4466

Amount of Each Receipt this Period

250.00

campaign contribution

C.

Full Name (Last, First, Middle Initial)  
george cex

Mailing Address po box 1110

City	State	Zip Code
myrtle beach	SC	29578

FEC ID number of contributing  
federal political committee. CName of Employer Occupation  
self attorney

Receipt For:	2010
X Primary	General
Other (specify) ▼	

Election Cycle-to-Date ▼
500.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
0	5		1	9		2	0	1	0

Transaction ID: SA11AI.4464

Amount of Each Receipt this Period

500.00

campaign contribution for  
primary

SUBTOTAL of Receipts This Page (optional) ▶

1250.00

TOTAL This Period (last page this line number only) ▶

11092653557

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER: **PAGE 6 / 38**

(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
<input type="checkbox"/> 15			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Burton For Congress

A.

Full Name (Last, First, Middle Initial)

fayrell furr

Mailing Address po box 2909

City	State	Zip Code
myrtle beach	SC	29578

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2010  
☒ Primary General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
 500.00

Date of Receipt

M	M	D	Y	Y	Y	Y
0	5	0	7	2	0	1

Transaction ID: SA11AI.4354

Amount of Each Receipt this Period  
 500.00

donation

B.

Full Name (Last, First, Middle Initial)

jim henkelman

Mailing Address 1331 wyoming ave.

City	State	Zip Code
scranton	PA	18509

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2010  
☒ Primary General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
 1000.00

Date of Receipt

M	M	D	Y	Y	Y	Y
0	5	0	7	2	0	1

Transaction ID: SA11AI.4456

Amount of Each Receipt this Period  
 1000.00

campaign contribution

C.

Full Name (Last, First, Middle Initial)

kaye koonce

Mailing Address 176 peachtree st

City	State	Zip Code
charleston	SC	29403

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2010  
☒ Primary General  
 Other (specify) ▼

Election Cycle-to-Date ▼  
 250.00

Date of Receipt

M	M	D	Y	Y	Y	Y
0	5	0	1	2	0	1

Transaction ID: SA11AI.4352

Amount of Each Receipt this Period  
 250.00

donation

SUBTOTAL of Receipts This Page (optional) ▶

1750.00

TOTAL This Period (last page this line number only) ▶

11092653558

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 7 / 38

(check only one)

<input checked="" type="checkbox"/>	11a	<input type="checkbox"/>	11b	<input type="checkbox"/>	11c	<input type="checkbox"/>	11d	<input type="checkbox"/>	15
	12		13a		13b		14		

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Burton For Congress

A.	Full Name (Last, First, Middle Initial) reggie McCaskill			Date of Receipt M M / D D / Y Y Y Y 0 4 / 0 5 / 2 0 1 0		
	Mailing Address po box 329			Transaction ID: SA11AI.4338		
	City folly beach	State SC	Zip Code 29439	Amount of Each Receipt this Period 2400.00		
	FEC ID number of contributing federal political committee. C			donation		
	Name of Employer		Occupation			
	Receipt For: 2010 X Primary General Other (specify) ▼		Election Cycle-to-Date ▼ 2400.00			
B.	Full Name (Last, First, Middle Initial) charles patrick			Date of Receipt M M / D D / Y Y Y Y 0 4 / 1 3 / 2 0 1 0		
	Mailing Address 12 murray blvd			Transaction ID: SA11AI.4334		
	City charleston	State SC	Zip Code 29401	Amount of Each Receipt this Period 2400.00		
	FEC ID number of contributing federal political committee. C			donation		
	Name of Employer		Occupation			
	Receipt For: 2010 X Primary General Other (specify) ▼		Election Cycle-to-Date ▼ 2400.00			
C.	Full Name (Last, First, Middle Initial) james redman-gress			Date of Receipt M M / D D / Y Y Y Y 0 4 / 1 2 / 2 0 1 0		
	Mailing Address 2019 longbend drive			Transaction ID: SA11AI.4336		
	City seabrook island	State SC	Zip Code 29455	Amount of Each Receipt this Period 500.00		
	FEC ID number of contributing federal political committee. C			donation		
	Name of Employer		Occupation			
	Receipt For: 2010 X Primary General Other (specify) ▼		Election Cycle-to-Date ▼ 500.00			
SUBTOTAL of Receipts This Page (optional) .....				5300.00		
TOTAL This Period (last page this line number only) .....						



**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER: **PAGE 8 / 38**

(check only one)

<input checked="" type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
<input type="checkbox"/> 15			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Burton For Congress

A.

Full Name (Last, First, Middle Initial)

margaret reider

Mailing Address 1536 cypress pointe drive

City

mount pleasant

State

SC

Zip Code

29466

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For: 2010

X Primary General

Other (specify) ▼

Election Cycle-to-Date ▼

500.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
0	5		0	7		2	0	1	0

Transaction ID: SA11AI.4450

Amount of Each Receipt this Period

500.00

campaign contribution for  
primary

SUBTOTAL of Receipts This Page (optional) .....

500.00

TOTAL This Period (last page this line number only) .....

8800.00

11092653560

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary Page

FOR LINE NUMBER: PAGE 9/38

(check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input checked="" type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
<input type="checkbox"/> 15			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Burton For Congress

A.

Full Name (Last, First, Middle Initial)

AFGE Political Action Committee

Mailing Address 80 F street NW

City	State	Zip Code
washington dc	DC	20001

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

 Receipt For: 2010  
☒ Primary General  
 Other (specify) ▼

 Election Cycle-to-Date ▼  
 2000.00

Date of Receipt

 M M / D D / Y Y Y Y  
 0 5 / 1 9 / 2 0 1 0

Transaction ID: SA11C.4459

Amount of Each Receipt this Period

2000.00

campaign contribution for  
primary

B.

Full Name (Last, First, Middle Initial)

bart's bndge pac

Mailing Address 817 9th aven 2nd floor

City	State	Zip Code
menominee	MN	49858

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

 Receipt For: 2010  
☒ Primary General  
 Other (specify) ▼

 Election Cycle-to-Date ▼  
 1000.00

Date of Receipt

 M M / D D / Y Y Y Y  
 0 5 / 1 9 / 2 0 1 0

Transaction ID: SA11C.4462

Amount of Each Receipt this Period

1000.00

campaign contribution for  
primary

C.

Full Name (Last, First, Middle Initial)

United Airlines Pilots PAC

Mailing Address

City	State	Zip Code
Washington DC	DC	

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

 Receipt For: 2010  
☒ Primary General  
 Other (specify) ▼

 Election Cycle-to-Date ▼  
 1500.00

Date of Receipt

 M M / D D / Y Y Y Y  
 0 4 / 1 3 / 2 0 1 0

Transaction ID: SA11C.4471

Amount of Each Receipt this Period

1500.00

campaign contribution for  
primary

SUBTOTAL of Receipts This Page (optional) ▶

4500.00

TOTAL This Period (last page this line number only) ▶

4500.00

**SCHEDULE A (FEC Form 3 )  
ITEMIZED RECEIPTS**Use separate schedule(s)  
for each category of the  
Detailed Summary PageFOR LINE NUMBER: **PAGE 10 / 38**

(check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d
<input type="checkbox"/> 12	<input checked="" type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14
			<input type="checkbox"/> 15

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

Burton For Congress

A.

Full Name (Last, First, Middle Initial)

Burton Robert

Mailing Address 1440 Ben Sawyer Blvd Ste 1101 #211

City	State	Zip Code
Mount Pleasant	SC	29464

FEC ID number of contributing federal political committee. **C** h0sc01212Name of Employer  
Delta AirlinesOccupation  
Pilot

Receipt For:	2010
<input checked="" type="checkbox"/> Primary	General
Other (specify) ▼	

Election Cycle-to-Date ▼
10000.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
0	5		0	7		2	0	1	0

Transaction ID: SA13A.4470

Amount of Each Receipt this Period

10000.00

loan to campaign

SUBTOTAL of Receipts This Page (optional) ..... ► 10000.00

TOTAL This Period (last page this line number only) ..... ► 10000.00

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 14, 2010

Robert Clauhs, in his official capacity as Treasurer  
Burton for Congress  
1440 Ben Sawyer Blvd., Suite 1101 #211  
Mt. Pleasant, SC 29464

C00470960  
AF# 2150

Dear Mr. Clauhs:

On July 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Burton for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$4,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 860-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2011 JAN -3 A 11: 05

January 3, 2011

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2150 – Burton for Congress  
and Robert Clauhs, in his official capacity as Treasurer (C00470963)

On July 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$4,400 based on the schedule of penalties at 11 C.F.R. § 111.43.

On August 24, 2010, the Office of Administrative Review received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 9, 2010 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$4,400 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2150 involving Burton for Congress and Robert Clauhs, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2150 that Burton for Congress and Robert Clauhs, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400; and
- (3) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 2150  
Final Determination Recommendation- )  
Burton for Congress and Robert Clauhs, )  
in his official capacity as Treasurer )  
(C00470963) )

CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on March 01, 2011, do hereby certify that the Commission decided by a vote of 4-2, on an amended pre-meeting tally, to take the following actions in AF 2150:

1. Adopt the Reviewing Officer recommendation for AF 2150 involving Burton for Congress and Robert Clauhs, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2150 that Burton for Congress and Robert Clauhs, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$4,400.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, Petersen, and Walther voted affirmatively for the decision. Commissioners McGahn II and Weintraub dissented.

Attest:

March 3, 2011  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 7, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Robert Clauhs, in his official capacity as Treasurer  
Burton for Congress  
1440 Ben Sawyer Blvd., Suite 1101 #211  
Mt. Pleasant, SC 29464

C00470963  
AF# 2150

Dear Mr. Clauhs:

On July 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Burton for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 12 Day Pre-Primary Report. By letter dated July 16, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,400 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On August 24, 2010, the Office of Administrative Review received the written response from the Candidate, Robert Burton, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Burton for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$4,400 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 14, 2010.

On March 1, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Burton for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$4,400. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

### **If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.


### **If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Chair

Attachment

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## **ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$4,400 for the 2010 12 Day Pre-Primary Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

### **PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

### **PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Burton for Congress

FEC ID#: C00470963

AF#: 2150

PAYMENT AMOUNT DUE: \$4,400

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 0000440000 BA# 1 04-28-11 20 4



Account: C00470963/AF# 2150		PLEASE POST THIS PAYMENT FOR OUR MUTUAL CUSTOMER	\$4,400.00
FORREST L HUNTON MOUNT PLEASANT, SC 29524		Please Direct Any Questions To: 800 275 6362 Online Bill Payment Processing Center	74262140 0000995097
MEMO: Fire Service Company		USAA FEDERAL SAVINGS BANK	April 21, 2011
Pay FOUR THOUSAND FOUR HUNDRED AND 00/100		DOLLARS	
⑈00268 2819277 001 000005		\$ *****4,400.00	
TO FEDERAL ELECTION COMMISSION ADMINISTRATIVE FIRE PROGRAM 999 E ST NW WASHINGTON, DC 20463-0001		Valid After 180 DAYS. Signature On File This check has been authorized by your depositor	



FEDERAL ELECTION COMMISSION  
Washington DC 20463

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THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2150

DATE SCANNED

6/13/11

SCANNER NO.

2

SCAN OPERATOR

SES